

REMARKS

This responds to the Office Action mailed on August 25, 2005. Reconsideration is respectfully requested.

Claims 1 – 19 are currently being examined. Claims 20 – 37 are currently withdrawn from consideration. By this amendment, no claims are amended, no claims are canceled, and no claims are added; as a result, claims 1 – 37 remain pending in this application.

Rejection of the Claims

Claims 1 – 5 and 9 – 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Burdon et al. (U.S. Pat. 6,572,830) in view of Brown (U.S. Pat. 6,765,535). Claims 5 – 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Burdon et al. (U.S. Pat. No. 6,572,830) in view of Brown (U.S. Pat. 6,765,535) as applied to claims 1 – 5 and 9 – 19 above, and in further view of Dion et al., (U.S. Pat. 5,101,086).

Applicants submit that Brown, U.S. Pat. No. 6,765,535, is disqualified as prior art under 35 U.S.C. § 102(e)/103 because at the time the present invention was made, both the Brown patent and the present invention were owned and were under an obligation of assignment to the same entity. Applicants have below provided a statement concerning common ownership.

According to the MPEP 706.02(l)(2), “Applications and references will be considered by the Examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the Applicant(s) or an attorney or agent or record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.”

STATEMENT CONCERNING COMMON OWNERSHIP

Application Serial Number 10/693,125 (the present application) and U.S. Patent No. 6,765,535 (Brown) were, at the time the invention of Application 10/693,125 was made, owned by and/or under an obligation of assignment to the Raytheon Company.

In view of the above, Applicants submit that U.S. Pat. No. 6,765,535 to Brown, is disqualified as prior art under 35 U.S.C. § 102(e)/103. The remaining references (Burdon and Dion) either separately or in combination, fails to teach, suggest or motivate the elements recited

in Applicant's pending claims. Therefore, Applicants believe that the rejection of claims 1 – 6 and 9 – 19 under 35 U.S.C. § 103(a) has been overcome.

Non-Rejected Claims

Applicants note that claims 7 and 8 have neither been rejected nor stated to be allowable. Applicants believe that claims 7 and 8 are allowable. Applicants' Attorney had telephoned the Examiner on October 18, 2005 regarding this issue and has not heard back yet from the Examiner.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregory J. Gorrie (Reg. No. 36,530) at (480) 659-3314 or Applicant's below-named representative at (520) 794-4143 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0888.

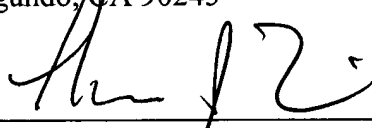
Respectfully submitted,

JAMES R. GALLIVAN ET AL.

By their Representatives,

Raytheon Company
P.O. Box 902
El Segundo, CA 90245

Date 11-17-05

By 
Thomas J. Finn
Reg. No. 48,066

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17th day of November, 2005.

Name

Signature